

REP. Merrill SUBMITS THE FOLLOWING:

University of South Carolina

PROVISO

(USC Branch Campuses) For Fiscal Year 2009-2010, the University of South Carolina must devise and submit a plan for the closing of two of the branch campuses. The plan submitted must include the following: data indicating the economic impact on the adjacent geographic communities; data indicating the resulting savings to the university system and the State; impact on current and prospective students and a timeline for implementation. The University of South Carolina shall submit recommendations for branch closings to the General Assembly by January 1, 2010.

AMENDMENT # 2 Substitute

REP. Merrill SUBMITS THE FOLLOWING:

University of South Carolina

PROVISO

(USC Branch Campuses) For Fiscal Year 2009-2010, the University of South Carolina must complete a study and report on the fiscal impact of potential closing of the branch campuses. The report submitted must include the following: data indicating the economic impact on the adjacent geographic communities; data indicating the resulting savings to the university system and the State; impact on current and prospective students and a timeline for implementation. The University of South Carolina shall submit the report to the General Assembly by January 1, 2010.

REP. Merrill SUBMITS THE FOLLOWING:

Clemson University

PROVISO

(CU: Call Me Mister) For the current fiscal year, Clemson must expend General Fund appropriations associated with the Call Me Mister Program only for the instruction of full-time students enrolled and attending Clemson University.

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REP. Merrill SUBMITS THE FOLLOWING:

General Provisions

PROVISO

(out of state student limitation) For the current fiscal year, the percentage of full time out of state students at a public institution of higher learning must be no more than thirty percent of the student body. For every student beyond the 30% out of state student limit, the institution will be required to pay a penalty of \$500 per student per academic year. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund.

REP. WHITE SUBMITS THE FOLLOWING:

BUDGET AND CONTROL BOARD

A 80A.11. (BCB: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve months the position may be deleted by the Budget and Control Board.

For Fiscal Year 2009-10, the Budget and Control Board is authorized to suspend the requirement of this provision.

GENERAL PROVISIONS

B 89.16. (GP: Personal Service Reconciliation, FTEs) In order to provide the necessary control over the number of employees, the Budget and Control Board is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

1. That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the Budget and Control Board.

2. That the Budget and Control Board shall maintain and make, as necessary, periodic adjustments thereto, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

(a) That within thirty (30) days of the passage of the Appropriation Act or by August 1, whichever comes later, each agency of the State must have established on the Budget and Control Board records all positions authorized in the Act. After that date, the Board shall delete any nonestablished positions immediately from the official record of authorized full-time equivalent positions. No positions shall be established by the board in excess of the total number of authorized full-time equivalent positions. Each agency may, upon notification to the Budget and Control Board, change the funding source of state FTE positions established on the Budget and Control Board records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

(b) That by September 30, the board shall prepare a personal service analysis, by agency, which shows the number of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal year at a funding level of 100%. The board shall then reconcile each agency's personal service detail with the agency's personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to reflect the agency's personal service funding level. The board shall provide a copy of each agency's personal service reconciliation to the Senate Finance and House Ways and Means Committees.

(c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the Budget and Control Board.

3. That full-time equivalent (FTE) positions shall be determined under the following guidelines:

(a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

(b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position.

(c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine (9) months.

The FTE method of accounting shall be utilized for all authorized positions.

4. That the number of positions authorized in this act shall be reduced in the following circumstances:

(a) Upon request by an agency.

(b) When anticipated federal funds are not made available.

(c) When the Budget and Control Board, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

5. That the Budget and Control Board shall annually reconcile personal service funds with full-time employee count. Unfunded positions will be eliminated no later than January 15 of the current fiscal year unless specifically exempted elsewhere in this act or by the State Budget and Control Board. The State Budget and Control Board must report the full-time employee count and unfunded position status to the Senate Finance Committee and the Ways and Means Committee by February 1 of the current fiscal year.

6. That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but temporary positions may be so funded.

7. That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan under item I of Section 8-11-260 of the 1976 Code.

The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of personal service appropriation recommended for each agency is at least 97% of the funds required to meet 100% of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new positions).

The requirements of subitem 2(c) and subitem 5 contained in this provision are suspended for Fiscal Year 2009-10.

89.33. (GP: Travel Report) For Fiscal Year 2009-10, the Comptroller General is authorized to suspend issuance of the below referenced report on out-of-state travel.

Annually on November 1, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for registration fees with object codes 0507 and 0517 must be excluded. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

REP. WHITE SUBMITS THE FOLLOWING:**GENERAL PROVISIONS**

89.101. (GP: Mandatory Furlough) ~~In a fiscal year in which the general funds appropriated for a state agency, institution, or department are less than the general funds appropriated for that state agency, institution, or department in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements an across the board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work. The furlough must include all classified and unclassified employees in the designated area. If the furlough includes the entire agency, the furlough must include the agency head. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely. During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that which require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an agency-by-agency basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Office of Human Resources shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.~~

REP. WHITE SUBMITS THE FOLLOWING:**GENERAL PROVISION**

89.mf. (GP: Mandatory State Agency Furlough Program) In a fiscal year in which the general funds appropriated for a state agency, institution, or department are less than the general funds appropriated for that state agency, institution, or department in the prior fiscal year, or whenever the General Assembly or the State Budget and Control Board implements an across-the-board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur.

The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work. The furlough must include all classified and unclassified employees in the designated area. However, a furlough program may also be implemented based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department respectively. Employees who provide direct patient or client care and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely.

During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that that require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act.

In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an agency-by-agency basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily shall count toward furlough days required by the mandatory furlough.

The State Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the State Budget and Control Board.

This provision does not apply to employees of those state agencies or institutions covered by Section 8-11-193, and Section 8-11-193 of the 1976 Code, rather than this provision continues to apply to those employees in the manner provided by law.

REP. PITTS SUBMITS THE FOLLOWING:

CONSERVATION BANK

PROVISO

The Conservation Bank shall receive sufficient funds for the current fiscal year so as to have the ability to fully execute all grant awards verbally approved by the Conservation Bank Board of Directors on or before January 1, 2009.

AMENDMENT # **12**

Rep. White SUBMITS THE FOLLOWING:

Department of Mental Health

PROVISO

In the event that a coroner rules that the death of an individual in a veteran nursing home under the authority of the Department of Mental Health, results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.

AMENDMENT # 13

Rep. White SUBMITS THE FOLLOWING:

General Provision

PROVISO

The Teacher and Employee Retention Incentive (TERI) Program established is closed to new participants effective July 1, 2009.

AMENDMENT # 16

Rep. Cobb-Hunter SUBMITS THE FOLLOWING:

General Provision

PROVISO

89.rt. (GP: RIF Plan) Notwithstanding any other provisions of law, any agency planning to implement a reduction in force plan must first eliminate any retirees who have returned to work and any contractual employees who do not have grievance rights under the State Employee Grievance Procedure Act before the agency can implement the reduction in force plan.

REP. BINGHAM SUBMITS THE FOLLOWING:

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

65.ibf. (LLR: Immigration Bill Funding) Until adequate funding is included in the State Appropriation Act, funds carried forward from the prior fiscal year in Subfund 3135 can be utilized to support the Department of Labor, Licensing and Regulation's mission under the South Carolina Illegal Immigration Reform Act.

REP. HERBKERSMAN SUBMITS THE FOLLOWING:

DEPARTMENT OF SOCIAL SERVICES

26.dcr. (DSS: Day Care Facilities Supervision Ratios) The Department of Social Services shall not implement Regulation 114-504(B) and 114-504(C) during the current fiscal year.

Higher Education Subcommittee Submits THE FOLLOWING:

Medical University of South Carolina

PROVISO

(MUSC: Preterm Birth Prevention) For Fiscal Year 2009-2010, the Medical University of South Carolina (MUSC) shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to MUSC for the cost of this program.

REP. Smith SUBMITS THE FOLLOWING:

State Department of Education

1.rtf

Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under S.C. Code Ann. Section 44-7-130 ("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district"). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district may choose to provide the necessary educational programs and services directly to the student, either at a facility school district school or at the RTF's facility. Under these circumstances, the facility school district may choose to enroll the student and assume full legal and financial responsibility for the educational services, or it may choose to provide the educational services and serve as the educational and fiscal agent of the school district in which the student's legal guardian resides ("resident school district") for purposes of enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided.

The State shall appropriate 100 percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF. The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting, as set forth in S.C. Code Ann. Section 59-20-40 and any eligible federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA), as

amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. All assessment and accountability measures of students not physically attending a specific school shall be disaggregated and reported separately in the facility school districts' accountability calculations.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the State Department of Education ("SDE") shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services and necessary to assist the facility school district in determining the resident school district.

Residential Treatment Facilities Student Enrollment and Funding Proviso?

The school enrollment as well as school funding for children residing in RTFs is not effectively addressed by current statute or policy.

- The Residential Treatment Facilities Student Enrollment and Funding Proviso was developed to assure appropriate educational services and credit are provided to South Carolina children and adolescents who reside in residential treatment facilities.
- Paragraph 1, places the responsibility for providing education to a child residing in an RTF with the school district where the RTF is located ("facility school district").
- Paragraph 2, outlines the option for the facility school district to provide the services directly to the RTF residents. It allows the facility district to choose whether to enroll the student in the local district or have the enrollment remain with the district in which the student's legal guardian resides. It also gives the facility district authority over educational services and expenditures.
- Paragraph 3, outlines the option for the facility school district to contract with the RTF to provide the education.

- Paragraph 4, outlines the funding methodology for the education of children residing in RTFs. It also outlines the options for the expenditure of these funds by the facility school district.
- Paragraph 5, assures that the education received by children residing in an RTF meets South Carolina standards and that the children have access to the education necessary to meet their educational needs. It also assures that children will receive educational credit.
- Paragraph 6, defines that the assessment and accountability measures for children who do not physically attend a district school will not be assigned to a specific school. These measures will be disaggregated and reported in the districts' accountability calculations.
- Paragraph 7, outlines the requirement that an RTF notify the facility school district upon a child's admission. It also requires that all involved parties put forth their best efforts to identify the school district in which the child's legal guardian resides and secure and exchanged educational information.

AMENDMENT #

28

REP. LUCAS SUBMITS THE FOLLOWING:

CLEMSON PSA

PROVISO

(CU-PSA: Meat Inspection Program) For the current fiscal year Clemson University Public Service Activities shall maintain operation of the state Meat Inspection Program.

Reps. White and Limehouse SUBMIT THE FOLLOWING:

Commission on Higher Education

PROVISO

6.31. (CHE: Mandatory Furlough) In a fiscal year in which the general funds appropriated for an institution of higher learning are less than the general funds appropriated for that institution in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, agency heads for institutions of higher learning and the State Board for Technical and Comprehensive Education through policy and procedure for the Technical College System may institute employee furlough programs of not more than twenty working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. A furlough program may also be implemented by pay band for classified employees and by pay rate for unclassified employees. Law enforcement, employees who provide direct patient or client care, and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency or individual institution. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily will count toward furlough days required by the mandatory furlough. During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, institutions will be responsible for making both employer and employee contributions during the time of the furlough if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Act. In the event an institution's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an institution by institution basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs if that employee is non-exempt under the provisions of the federal Fair Labor Standards Act. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board as requested.

Rep. Edge Proposes:

Any Managed Care provider's contract or provider agreement with the Department of Health & Human Services must include a prescription drug program.

REP. Littlejohn SUBMITS THE FOLLOWING:

Pursuant to the Individuals with Disabilities Education Improvement Act (IDEA) and the individualized education program (IEP) required for students under this act, a student with a documented disability and an IEP requiring an educational program in a least restrictive environment that a school district is unable to provide, the school district may utilize funds provided by the state for the student's education to provide placement in the least restrictive environment required in the student's IEP.

REP. Rice SUBMITS THE FOLLOWING:

SDE

New

(SDE: Statutory School Term) For the 2009-2010 school year, the statutory school term is one hundred eighty-five days and shall consist of one hundred eighty days of instruction covering at least nine calendar months and five teacher in-service days.

Reps. Cobb-Hunter and Edge SUBMIT THE FOLLOWING:

Department of Health and Human Services

PROVISO

21. _____

The SC Department of Health and Human Services shall enroll and recertify eligible children to the State Children's Health Insurance Program (SCHIP) and must use available state agency program data housed in the Budget and Control Board's Office of Research and Statistics, to include the SC Department of Social Services' Food Stamp program and the SC Department of Education's Free and Reduced meal eligibility data. Use of this data and cooperative efforts between state agencies reduces the cost of outreach and maintenance of eligibility for SCHIP.